



General Assembly

Raised Bill No. 304

February Session, 2010

LCO No. **1588**

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Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING STATE SURPLUS PROPERTIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4b-47 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) Prior to the sale or transfer of state land or any interest in state
4 land by a state agency, department or institution, such agency,
5 department or institution shall provide notice of such sale or transfer
6 to the Council on Environmental Quality, the Secretary of the Office of
7 Policy and Management and the Commissioner of Environmental
8 Protection on a form approved by the Council on Environmental
9 Quality. Such notice shall be published in the Environmental Monitor
10 and shall provide for a written public comment period of thirty days
11 following publication of such notice, during which the public and state
12 agencies may submit comments to the Secretary of the Office of Policy
13 and Management. Such comments may include, but shall not be
14 limited to, significant natural and recreational resources on such land
15 and recommend means to preserve such natural or recreational
16 resources. The Secretary of the Office of Policy and Management, in

17 consultation with the Commissioner of Environmental Protection, shall
18 (1) respond to any written comments received during such thirty-day
19 comment period, and (2) publish such written comments along with
20 the Office of Policy and Management's response to such written
21 comments in the Environmental Monitor for a period of not less than
22 fifteen days prior to the sale or transfer of the land.

23 (b) The Commissioner of Environmental Protection shall develop a
24 policy for reviewing notices received from a state agency, department
25 or institution, as described in subsection (a) of this section, and making
26 a draft recommendation to the Secretary of the Office of Policy and
27 Management as to whether all or a portion of the land or land interest
28 referenced in such notice should be preserved by (1) transferring the
29 land or land interest or granting a conservation easement therein to the
30 Department of Environmental Protection, (2) imposing restrictions or
31 conditions upon the transfer of the land or land interest, or (3)
32 transferring all or a portion of the land or land interest, or granting a
33 conservation easement interest therein, to an appropriate third party.
34 Any such recommendations shall be accompanied by a report
35 explaining the basis of the recommendations and shall include, where
36 appropriate, a natural resource inventory. Such recommendations and
37 report shall be published in the Environmental Monitor and shall
38 provide for a written public comment period of thirty days following
39 publication of such notice. The Commissioner of Environmental
40 Protection shall (A) respond to any written comments received during
41 such thirty-day comment period, (B) make a final recommendation to
42 the Secretary of the Office of Policy and Management, and (C) publish
43 such written comments along with the Department of Environmental
44 Protection's response to such written comments including the
45 department's final recommendation to the secretary in the
46 Environmental Monitor. Following receipt of the final
47 recommendation of the Commissioner of Environmental Protection,
48 the Secretary of the Office of Policy and Management shall make the
49 final determination as to the ultimate disposition of the land or
50 interest. Such determination shall be published in the Environmental

51 Monitor for a period of not less than fifteen days prior to the sale or
52 transfer of such land or interest.

53 (c) Nothing in this section shall be construed to:

54 (1) Limit the applicability of sections 22a-1a to 22a-1i, inclusive, with
55 respect to the sale or transfer of state land or any interest in state land,
56 except that if an environmental impact evaluation was prepared
57 pursuant to sections 22a-1b and 22a-1c or an environmental statement
58 was prepared for such state land or interest in state land pursuant to
59 any other state or federal law or regulation, as specified in section 22a-
60 1f, such state agency, department or institution shall be exempt from
61 the notice and public comment requirements set forth in subsections
62 (a) and (b) of this section;

63 (2) Affect any purchase and sale agreement entered into between
64 the state and any second party that was in effect prior to October 1,
65 2007, or any subsequent sale, transfer, easement, lease or other such
66 agreement made pursuant to any such purchase and sale agreement;

67 (3) Apply to the conveyance of any parcel of state land or any
68 interest in state land pursuant to an act of the General Assembly;

69 (4) Apply to the sale or transfer of state lands between state
70 agencies;

71 (5) Apply to any easement that is granted to a municipality or a
72 regulated utility or utilities that (A) primarily benefits the state or an
73 agency or institution of the state, (B) is ordered as the result of a state
74 or federal regulatory process or proceeding, or (C) is necessary as a
75 result of the construction or reconstruction of any Department of
76 Transportation highway or facility;

77 (6) Apply to the sale or transfer of state land or an interest in state
78 land that was designated as surplus, pursuant to subsections (b) and
79 (c) of section 4b-21 prior to October 1, 2007, provided the provisions of
80 this section were complied with at the time of such designation;

81 (7) Apply to the transfer of ten acres or less by the Department of
82 Transportation, [or] the Department of Education or the Department of
83 Economic and Community Development;

84 (8) Limit state agency or public comments to a particular subject
85 matter area;

86 (9) Limit the publication of any public notifications, comments or
87 reports that are required under this section solely to the Environmental
88 Monitor; or

89 (10) Limit the solicitation of public comment solely to the
90 Environmental Monitor.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2010	4b-47
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Statement of Purpose:

To exempt the Department of Economic and Community Development from certain notice and public comment requirements when the department is transferring ten acres or less of state land.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]